

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:11CR3059
)
v.)
) MEMORANDUM AND ORDER
MICHAEL BREAULT,)
)
Defendant.)

A hearing was held today on the government's motion to set this case for trial. Based on the representations of defense counsel, plea negotiations are ongoing and the defendant needs additional time to complete those discussions. The defendant was advised that the proposed new trial setting, February 6, 2012, extends beyond the deadline imposed under the Speedy Trial Act. The defendant agreed this additional time was needed for case preparation, agreed to the proposed new trial date, and waived his right to demand a trial within the time limits set under the Act. After considering the arguments of counsel, and with the government's and defendant's consent,

IT IS ORDERED:

- 1) The trial of this case is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on February 6, 2012, or as soon thereafter as the case may be called, for a duration of four (4) trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 2) Based upon the representations of defendant's counsel, and with the defendant's consent and agreement, the Court further finds that the ends of justice will be served by setting this trial beyond the limits imposed under the Speedy Trial Act. Accordingly, the time between November 8, 2011 and February 6, 2012 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

November 14, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge